

REMARKS

Claim 18 has been amended. New claims 23 - 26 depending ultimately from claim 12 have been added. Claims 12 - 26 are currently pending in the present application.

In the Office Action, claim 18 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Additionally, in the Office Action, claims 12 - 16 and 19 - 21 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 3,182,854 to Geller. Also, in the Office Action, claims 12, 17 - 18, and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by US Published Patent Application No. 2003/0209548 to Phifer. Furthermore, in the Office Action, claims 12 and 21 - 22 are rejected under 35 U.S.C. §102(b) as being anticipated by US Published Patent Application No. 2002/0139809 to Barry et al.

The Rejection of Claim 18 under 35 U.S.C. §112, Second Paragraph

With respect to the rejection of claim 18 under 35 U.S.C. §112, second paragraph, it is noted that claim 18 has now been amended to clarify the respective orientations of the upper and lower storage compartments. Thus, it is submitted that the rejection of claim 18 under 35 U.S.C. §112, second paragraph, is now obviated.

The Claimed Invention

An exemplary embodiment of the present invention, as recited by, for example, independent claim 12 of the present application, is directed to a dishwasher having a washing container, at least one crockery basket, and a device for receiving items to be washed. The device is operable to receive at least one of silverware and non-silverware items and is arranged on an exterior side of the crockery basket.

The inventive dishwasher advantageously offers a low cost arrangement that makes it possible to accommodate pieces of silverware in an easily accessible, compact, and careful manner in the washing compartment.

The Rejection of Claims 12 - 14 and 17 - 22 under 35 U.S.C. §102(b) as Being Anticipated By The Cited References

With respect to the rejection of claims 12 - 14 and 17 - 22 under 35 U.S.C. §102(b) as being anticipated by certain ones of the cited references Geller '854, Phifer, and Barry et al, favorable reconsideration is respectfully requested in view of the amendment of claim 18 and the following comments.

The Office Action asserts that the cited references Geller '854, Phifer, and Barry et al variously each disclose a removable silverware basket of a dishwasher with all of the elements of the device of the dishwasher recited in claim 12 of the present application. However, it is submitted that none of the cited references Geller '854, Phifer, or Barry et al teaches or discloses all of the elements of the device of the dishwasher recited in claim 12 of the present application. For example, Geller '854 discloses a silverware basket 19 that is supported both on a front wall 18 of a tub 3 and on a rack 9. Thus, Geller '854 fails to teach or disclose a dishwasher, as recited in claim 12 of the present application, a device, operable to receive at least one of silverware and non-silverware items, that is arranged on an exterior side of a crockery basket. It can clearly be seen that the Geller '854 silverware basket 19 could not be operable with, for example, a rack that can be pulled out of a tub or washing container of a dishwasher, as the Geller '854 silverware basket 19 would then no longer be supported by the front wall 18 of the tub 3. In contrast, the device of the dishwasher recited in claim 12 of the present application can be displaced along with the crockery basket on which it is arranged.

In view of the fact that none of the cited references Geller '854, Phifer, or Barry et al teach or disclose all of the elements of claim 12 of the present application, claim 12 is clearly not anticipated under 35 U.S.C. §102(b) by the cited references Geller '854,

Phifer, or Barry et al and the rejection of claim 12 should be withdrawn. Also, claims 13, 14, and 17 - 22 are not anticipated under 35 U.S.C. §102(b) by the cited references Geller '854, Phifer, or Barry et al for at least the same reasons and because they recite additional patentable subject matter.

**The Rejection of Claims 15 and 16 under 35 U.S.C. §102(b) as Being Anticipated
By Geller '854**

Claim 15 of the present application recites the feature that the dishwasher set forth in claim 12 includes the feature that the at least one storage compartment can be removed from the device and can be re-inserted in the device. Claim 16 of the present application depends from claim 15 and recites that the at least one storage compartment can be inserted in the device in different positions at different height. The Office Action asserts that Geller '854 teaches the features of the dishwasher recited in claims 15 and 16. However, it is respectfully submitted that Geller '854 does not teach or disclose the feature of a storage compartment of a device operable to receive at least one of silverware and non-silverware items and arranged on an exterior side of a crockery basket of a dishwasher. Geller '854 discloses a silverware basket 19 that is supported both on a front wall 18 of a tub 3 and on a rack 9. The silverware basket 19 is a unitary piece that is installed on the front wall 18 of the tub 3 and the rack 9 as a single component. There is no teaching or hint in Geller '854 of any structure that is itself removable from the silverware basket 19, let alone any teaching or hint in Geller '854 of a storage compartment removable from the silverware basket 19.

For these and other reasons, it is submitted that claims 15 and 16 of the present application are not properly rejectable as anticipated by Geller '854 and Applicants respectfully request withdrawal of this rejection.

New Claims 23 - 26

New claims 23 - 26 depend ultimately from claim 12 and recite further features of the device operable to receive at least one of silverware and non-silverware items and arranged on an exterior side of a crockery basket of the dishwasher. Specifically, these new claims recite features relating to the removability of a storage compartment from the device while the device itself remains secured to the crockery basket. As pointed out, for example, in the above discussion concerning the deficiencies of Geller '854 with respect to claims 15 and 16, such features are submitted to be novel and non-obvious with respect to the prior art.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 12 - 26 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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